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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,174	05/28/1999	BENZION LANDA	UCT-A	7616

26418 7590 10/23/2002

REED SMITH, LLP  
ATTN: PATENT RECORDS DEPARTMENT  
599 LEXINGTON AVENUE, 29TH FLOOR  
NEW YORK, NY 10022-7650

EXAMINER

GOODROW, JOHN L

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 10/23/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-23

# Office Action Summary

Application No.		Applicant(s)	
Examiner		Group Art Unit	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 54-76 is/are pending in the application.
- Of the above claim(s) 54-60 64, 68 72 76 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 54-58 61-63 65-67 69-71 73-75 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit 1756

1. Claims ~~45~~<sup>54</sup>-58, 61-63, 65-67, 69, ~~71~~ and 73-75 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald in view of Kydd et al., Japanese Patent 4183804A and Tsubuko et al. Applicant's arguments have been carefully considered but are deemed not persuasive in view of the following new arguments and references. Fitzgerald teaches a novel powder that can be utilized as a toner having reflected flakes. Kydd et al. also teaches a metallic toner particle (note column 5 lines 10-20) in which a silver flake is utilized as the metallic powder and can be utilized in a toner composition. The Japanese patent and Tsubuko et al. are recited in action No. 20. Applicant can overcome the above rejection by including both the polymer binder as an ionomer with the dimensions of the metallic flake. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize metal flakes in a toner composition in which the metal flakes are dispersed in a polymer in forming a particle that is utilized in electrophotographic development.

J. Goodrow:cdc

(703) 308-0661

October 18, 2002

JOHN GOODROW  
PRIMARY EXAMINER  
ART UNIT 157